

REMARKS

Claims 1-147 were previously cancelled without prejudice to or disclaimer of the underlying subject matter. Claims 151-157 were previously added. With this Response, claim 151 is amended to correct antecedent basis. In addition claim 148 is amended to facilitate prosecution and bring the claims into condition for allowance. With this Response, claims 148-157 are pending.

I. Rejection under 35 U.S.C. § 102(e), Anticipation

Claims 148-157 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hunter *et al.* (US 2002/0056118) (hereinafter "Hunter").

Regarding claim 148, the Examiner alleges that Hunter anticipates the following portion of claim 148:

enabling the playback of said media content at a predetermined time after said step of receiving media content, wherein said playback is only enabled after a predetermined time after said step of receiving media content.

To support this allegation, the Examiner cites paragraph 13, lines 38-42 of Hunter as allegedly teaching "said playback is only enabled when get [sic.] special discount on daily or weekly basis after media content is received and recorded." Office Action at page 3.

Paragraph 13, lines 38-42 of Hunter actually states:

The present invention also provides the ability to update movie pricing at any time, for example on a daily, weekly or monthly basis, so that *consumers can choose to view movies* at times when content providers offer pricing specials or incentives (emphasis added).

It appears that the Examiner is relying on the *consumers'* ability to play or not play a particular movie once it is available on the device, as taught in Hunter, to assert that Hunter teaches the elements of claim 148. While Applicants disagree with the Examiner and contend that the cited portion of Hunter does not teach the cited portion of claim 148, to facilitate prosecution, Applicants have amended claim 148 to specify that said enabling is carried out by a

processor based device. Whatever else Hunter may teach, it does not teach "wherein said enabling is carried out by a processor based device."

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims, and to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-6567 should any additional information be necessary for allowance.

Respectfully submitted,



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